

CITY COUNCIL MINUTES

July 28, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 28, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

Meticulous effort was employed to present a verbatim transcript of this meeting. Audio recordings of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Please, Madam Clerk, call the roll.

ROLL CALL:

Present: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: With a...I guess there's (8) eight of us here and one missing, we have a quorum tonight.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance; Dr. Adams.

President Friend: Fellow Councilmen and everybody in the attendance, thanks for coming out here on the 28th day of this 2014 meeting of the Common Council.

COUNCIL ATTORNEY

This evening we have the privilege of having Ryan Hatfield filling in for our City *(Council)* Attorney. Thanks Ryan for coming out tonight.

SERGEANT AT ARMS

We also have Sergeant Nutt...I mean Sergeant...Officer Nutt. Trying to get you a promotion man. I'm working on that. No, Officer Nutt, thanks for coming out doing the Sergeant at Arms.

The Reports and Communications please.

REPORTS AND COMMUNICATIONS

IN YOUR JULY 25th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for July 28, 2014
- * Ordinances G-2014-18, G-2014-19, F-2014-9 and R-2014-17
- * Resolution C-2014-17 Amended, C-2014-19 (Docket) and C-2014-20 (Docket)
- * Evansville Redevelopment Commission Minutes dated July 1, 2014
- * Weights & Measures June-July Monthly Report
- * 2013 Annual Financial Report of the City of Evansville GASB 34

ON YOUR DESK THIS EVENING:

- * Revised Short Agenda
- * Extended Agenda
- * Ordinance R-2014-18
- * Resolution C-2014-20 Docket - *Revised*

President Friend: Is there a motion to receive, file and make these Reports and Communications parts of our meeting?

Councilwoman Mosby: So moved.

Councilman Adams: Second.

President Friend: I had a motion made by Councilman Mosby...Councilwoman Mosby and Dr. Adams. Ayes? Nays? (*Unanimous Ayes*) Goes forth, do pass.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-18

PUBLIC WORKS

FRIEND

An Ordinance to Vacate a Portion of an Existing 30 Foot Easement Lying on the East Side of Lot 31 in Eastside Industrial Park, as per Plat thereof, recorded in Plat Book L, Page 44, within the City of Evansville, Indiana, More Commonly Known as 5500 Old Boonville Highway

ORDINANCE G-2014-19

PUBLIC WORKS

LINDSEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as the Alleyway in the 300 Block of Fulton Avenue Between Michigan Street and Franklin Street; West Michigan Street between Fifth and Sixth Avenue; and a Portion of North Fifth Avenue Adjacent to 1301 W. Virginia Street

ORDINANCE F-2014-9

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Re-Appropriations and Additional Appropriations of Funds within a City Department (DMD)

President Friend: Motion to adopt the Consent Agenda as written?

Councilman O'Daniel: So moved.

Councilwoman Robinson: Second.

President Friend: I had a motion made by Councilman O'Daniel and seconded by Councilwoman Robinson. Ayes? Nays? (*Unanimous Ayes*) Goes forth, do pass.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-15

A.S.D.

ROBINSON

An Ordinance Amending Chapter 2.107 (Fair Housing Regulations) of the Evansville Municipal Code

ORDINANCE G-2014-17

PUBLIC WORKS

LINDSEY

An Ordinance Amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

RESOLUTION C-2014-17 AMENDED FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property (Traylor Bros., Inc.)

COMMITTEE REPORTS:

CHAIRMAN ADAMS

Chairman Adams: Mister President, your A.S.D. Committee met this evening to hear *Ordinance G-2014-15* and it comes forward with a do-pass recommendation.

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear *Resolution C-2014-17 as Amended* and it comes forward with a do-pass recommendation.

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Chairman Lindsey: Mister President, your Public Works Committee met this evening to hear *Ordinance G-2014-17* and it comes forward with a do-pass recommendation.

President Friend: There's a motion to adopt the Committee Reports and move to the Resolutions and Ordinances and Resolutions to Third Reading?

Councilman Weaver: So moved.

Councilman O'Daniel: Second.

President Friend: I had a motion made by Councilman Weaver and seconded by Councilman O'Daniel. Ayes? Nays? (*Unanimous Ayes*) Goes forth.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-15

A.S.D.

ROBINSON

An Ordinance Amending Chapter 2.107 (Fair Housing Regulations) of the Evansville Municipal Code

President Friend: Okay, I guess we need any comments from anybody on Council about this particular ordinance before we move forward with it. Anybody in the audience about this?

Okay, with that I entertain a motion to adopt Ordinance G-2014-15.

Councilwoman Mosby: So moved.

Councilman O'Daniel: I'll second that.

President Friend: I had a motion by Councilwoman Mosby and seconded by Councilman O'Daniel. Please call the roll dealing with G-2014-15.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: With eight (8) Ayes and (0) no Nays Ordinance G-2014-15 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-17

PUBLIC WORKS

LINDSEY

An Ordinance Amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

President Friend: Okay, before we move on, any other questions from Councilmembers? Anybody from the audience?

With that, I entertain a motion to adopt G-2014-17.

Councilman Weaver: So moved.

Councilman McGinn: Second.

President Friend: I had a motion by Councilman Weaver and seconded by Councilman McGinn. Please call the roll as it relates to G-2014-17.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: With eight (8) Ayes and no (0) Nays Ordinance G-2014-17 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-17 AMENDED FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property (Traylor Bros., Inc.)

President Friend: Again, do we have any other questions from members fore we move on? Anybody from the audience?

With that, I entertain a motion...

Councilman Weaver: So moved.

President Friend:...to adopt Resolution C-2014-17

Councilwoman Mosby: Second.

President Friend: I had a...Councilman Weaver made the motion; seconded by Councilwoman Mosby. Please call the roll with C-2014-17 as Amended.

Comment made by Councilman McGinn prior to casting his vote:

Councilman McGinn: Let me talk a little bit about this. When this...this is a little different than most. Most of time when we get these it is before construction has started. Personally, I don't care whether or not they came after construction or not to be honest. There's a whole group of rules and regulations and statutes that are supposed to spur economic development and most of the time people come in front of us and they say, "Oh give me and incentive and I'll build my building here", and most the time they're probably going to stay anyhow. What I want to do is, at least from my personal opinion, is let businesses who wish to expand in the City of Evansville know that, if possible, under any set of circumstances that if you're going to do something that is going to be beneficial to the community, create jobs, increase the

evaluation of property, help our tax dollars, I am more than happy to...to grant help as a way to say thank you for supporting our city. We appreciate what you do. We want to be business friendly. We want other people to expand so I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: With eight (8) ayes and no (0) nays, Resolution C-2014-17 as Amended is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2014-19 DOCKET

ROBINSON

A Resolution of the Common Council of the City of Evansville, Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/Rehabilitation of Real Property, New Odyssey Investments, LLC/D-Patrick, Inc. (1100 E. Walnut St. Evansville, IN)

President Friend: Do we have discussion from any members of Council with this?

Councilman O'Daniel: *(Off Mic)* Debbie, is there anything you wanted to address with this?

President Friend: Yeah, yeah.

Debbie Dewey of GAGE: For the record, Debbie Dewey with the Growth Alliance for Greater Evansville, again, just asking the Council approve this Confirming Resolution. This will be a \$7,000,000 investment in new property, retention of 33 jobs, an addition of 13 new jobs; also making room for the downtown IU Medical School, 6.3 million per year in economic impact of these jobs, and the average annual wages are much greater, almost 50% greater, than the average wage of Vanderburgh County.

And again, we are here with Mr. Ray Farabaugh or Mr. Mark Samila if there are any questions.

President Friend: Do you have any questions? Do we have anybody in the audience?

Councilman Robinson: Motion to adopt.

Councilwoman Mosby: Second.

President Friend: Had a motion made by Councilwoman Robinson and seconded by Councilwoman Mosby. Please, let's call the roll as it relates to C-2014-19

Comment made by Councilman Adams prior to casting his vote:

Councilman Adams: I really think this is a very important step in terms of what we're trying to do all the way around the City. I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: With eight (8) ayes, no (0) nays, Resolution C-2014-19 is hereby declared adopted.

Mark Samila: Thank you and on behalf of D-Patrick, we appreciate the Councils' support very much. Thank you.

President Friend: You're welcome. Thanks so much.

Resolution Docket continued.

RESOLUTION DOCKET

RESOLUTION C-2014-20 DOCKET

ADAMS, MCGINN, ROBINSON

A Resolution of the Common Council of the City of Evansville, Indiana, Supporting a Statutory Amendment Allowing Municipalities Additional Regulatory Authority over the Use of Fireworks

President Friend: Discussion with the members.

Councilman Adams: Let me just make it...I'll try to be very brief. I don't know if we had a chance to go over this fairly generic resolution I put together. I sent an email after our last discussion a couple of weeks ago. It became evident that, unfortunately, we do not have power to change...we the Evansville City Council cannot change the rules. It's under the jurisdiction of the state legislature and I put this together in the hopes that we can stimulate the legislature if...if possible to give us that right to *(Inaudible)* it or if not, to affect a change.

And some of the background: I talked to Senator Venetta Becker. She encouraged me to bring this forth tonight. She also suggested that we send a copy of this, if it passes tonight, to the Association of Cities and Towns. That might help generate the political dust in the air, if you will, to perhaps affect a change. I talked to Gail Riecken; she also suggested this *(Inaudible)* we go. And I talked to Steve Melcher. He said that they had tried this about 12 or 14 years ago and he thought it was probably ripe for yet another try.

I don't know whether...I don't know whether you've had time to read what this *(Inaudible)* and if you want I'll briefly go through it or do you want to just...has everybody had a chance to read it?

President Friend: If you want...want...Dr. Adams, why don't you read it into the record? Maybe we can do that. You want to *(Inaudible)*?

Councilman Adams: Well, basically it says we're in favor of the use of fireworks and we want us to perhaps allow us...the cities and towns could control the length of time and we want to reduce the days and we are...we are...not want to change anything about December 31st or January 1st, cause it's really on two or three days. And because it obviously affects kids, dogs, and cats and people...and so basically the thought was to reduce it from the nine days that it is now to somewhere between three and four days, depending on where July 4th hits in the particular week that it occurs. I'll just use that as an intro.

Councilman O'Daniel: I mean I...I've kind of gone back and forth with this. Obviously the State gets, and we learned through reading the paper that the State gets revenue, and additional 5% tax on fireworks, which I'm sure doesn't flow back to any sort of education or anything else as far as our fire department might go or anything else, so I suspect that's why they've...they've put these clauses in there that we can't have any Home Rule. I do like the idea of Home Rule on this. I do disagree with Council on, esteemed Council, that three days may be enough. I'm not sure that any ordinance necessarily changes the behavior of what a 16-year old kid is going to do if he's allowed to buy, you know, 5000 bottle rockets, you know, at any of these stores. I mean they're going to set 'em off regardless and I see Officer Nutt over there. I'm not sure he's written any ordinance tickets on fireworks in his tenure. He's shaking his head no so I don't that it necessarily changes any behavior but in the same breath, doing nothing, you know, may be somewhat, you know, consent to this or condone it in some way but I'm in support of a Home Rule aspect but obviously we could disagree on the number of days that may be appropriate.

Councilman Adams: Well sure.

President Friend: As I understand from my sources that the 5% goes into safety.

Councilman O'Daniel: *(Off Mic)* Right.

President Friend: That's what I understand.

Councilman O'Daniel: *(Off Mic)* But who is doing the safety.

President Friend: Well yeah, I mean it's the same thing...

Speaking Simultaneously

Councilman O'Daniel: I mean that's the thing. Who's doing the safety?

President Friend: I don't know.

Councilman O'Daniel: Does it really go into the general budget?

President Friend: Al, you get anything over there at the fire department?

Councilman Lindsey: *(Off Mic)* I can't tell you.

President Friend: I didn't know. I didn't think so.

Councilman Lindsey: They don't send me a lot of information for some reason.

Councilman Adams: I sent an email to Linda White to get some sort of handle for that and actually talked to the guy who used to...who is the CMO, the Chief Medical Officer, this morning on this. They do see an uptick, obviously, of things. They did have to send three kids this last 4th of July down to the Children's Hospital in Louisville for hand injuries and so forth like that.

But again, that may not stop that. Now I guess one of the things you could do is limit the number of grams of gunpowder that could be in each thing in terms of that. I thought I'd start low with three days and I'm sure they would jack it up to four or five but that was just *(Inaudible)*. Excuse me.

Councilwoman Mosby: I really do still feel that we need to do something as far as education and posting in the firework, you know, facilities that are selling these. For instance, this past weekend there were fireworks shooting over my house. I saw who was doing it. I kind of yelled over the fence, "Hey, do you realize this is illegal?" And they are like, "No, we just bought 'em today half price". So you know they're still selling 'em. People don't realize you're not supposed to be shooting 'em off in the city limits so we really kind of need to look at that as well.

Councilman Adams: Well two weeks ago you made the suggestion of perhaps having...requiring that the fireworks store have a thing...what days...

Councilwoman Mosby: Posting it.

Councilman Adams:...they were legal and perhaps we could add that to our letter. It might *(Inaudible)*.

President Friend: Dr. Adams, I talked to one of the merchants today, matter of fact, about that. I asked that same question and they say they do have it posted.

Councilman Adams: What's that?

President Friend: They do have the ordinance posted what's, I mean the requirements?

Councilman Adams: And how big is the font, John?

President Friend: Here again I...

Councilwoman Mosby: And I've gone in a couple, just to see, and I have not seen it posted. I may have just missed it but, you know, just a matter of education cause a lot of people don't realize it.

Councilman Adams: Well one of the things that Melcher mentioned was he thought perhaps if you could have people who are firework people who have licenses all year here rather than just the people who are fly-by-night, that come in on the 4th of July, that might be a little easier in terms of what's reg...easily more regulatory or not. Just a thought.

Councilwoman Mosby: But once again, you know we are always going to have the people that aren't going to obey the laws but at least maybe we can make a little bit of a difference.

Councilman Adams: That's probably true with any law.

President Friend: Do we have any other comments from members? I have Michael Weir...is that...like to come up? You live at 203...I can't...East Oregon Street here in Evansville, correct?

Unidentified Speaker: *(Off Mic)* Oregon.

President Friend: Oregon, yes.

Michael Weir: Hi. I'm here tonight to ask you guys to kind of adopt something or do something about, you know, the amount of days that they set the fireworks off. The amount of fireworks that they set off. Like we have...I'm speaking for my neighbor; she's camera shy. You know we have overgrown kids in my neighborhood. You know, some 25, some 30, and like...I'll give you a couple instances. I'm out here pushing a lawnmower a week before the 4th of July and they shoot off one of these great big cannons; not firecrackers, not bottle rockets, cannons. And here I am, I'm pushing my lawnmower, I ducked down like that, just about crawled under the lawnmower. I shouldn't have to put up with that a week before the 4th of July.

Michael Weir: Go tell them that.

President Friend: No, no that's illegal firework. What they did they used...they put aluminum down in there and what they do, they throw a little bit muriatic acid in there and those things make one big bomb.

Michael Weir: And...and then...

President Friend: It's illegal.

Unidentified Speaker: *(Off Mic) (Inaudible)* the general public.

President Friend: Yes, yes.

Michael Weir: Okay, and then the 4th of July...

Speaking Simultaneously

President Friend: What they do. Settle man. I got *(Inaudible)*

Speaking Simultaneously

Multiple Councilmembers: *(Off Mic) (Inaudible)*

Michael Weir: Okay, the 4th of July comes and I called a bunch of you all that day and I gave you all an earful and I stayed on all night long, 10 calls to Central Dispatch and I gave her an earful and...and I told her, I said, "Ma'am"...she said they could shoot 'em off till a certain time. I said, "I understand that." I said, "But you don't understand." I said, "It's 4:00 a.m." I said, "It'd be sunlight in an hour." I said, "When are these guys going to go to bed?" I said, "Do I have to go get the mayor to come here and babysit these guys?", because I was ready to.

You know...you know, I celebrate 4th of July. I have...I fly a flag. I'm patriotic. But I mean my God when it sounds like an air raid or it sounds like, you know, some body shooting a cannon off right outside your house. You know, like I told Central Dispatch, "Why don't we start throwing grenades? Why don't we get some napalm?" If you're going to have these great big huge rockets go off loud enough to shake windows...loud...you know her house, she has a firework stuck on her aluminum siding. This kid comes up and throws one underneath her car; throws one on my front porch. You know this guy, he goes around and shoots 'em like that, you know, at houses and I told Central Dispatch, I said, "I've gotten I don't know how many bottle rockets over top of my house". I said, "But you notice they aint shooting 'em at their house". I said, "Why is that? I'll tell you why cause they don't want their house to burn down but it's okay for mine. I got insurance on it but why should...why do I have to be homeless just because some idiot don't know how to use fireworks", you know?

So what I'm asking you all is put a number of days on it, put, you know, I shoot firecrackers. I had bottle rockets but when it comes to these great big huge cannons, stop that! If we don't, why don't we just roll out a Sherman tank or something?

Councilman O'Daniel: Sir, do you what the law...do you know what the state law is on the fireworks?

Michael Weir: No.

Councilman O'Daniel: There's...and I think this is part of what Doc Adams is suggesting is allowing it. There's 11 days that we can't do anything about around July 4th, and then also on December 31st, January 1st. We can't do anything about it, nothing. And you're asking us to reduce that and we can't.

Michael Weir: No I...I...you know, I'm asking you all to do what you all can do. If you all have to lobby Indianapolis, lobby Indianapolis. You know it would be nice if you could give 'em a dose of common sense. That would be nice but I know you can't do that. You can't make people act like they should act but, you know, you guys are up here, we vote you guys in for us. You know you're our voice. Go to Indianapolis. You know, get Pence down here.

I'm just asking something to happen. You know...I mean I wanted to go on a trip and I was afraid to come home to a pile of ashes. I shouldn't be afraid of that. You know, I'm laying in bed watching TV on the 4th of July, you know, why do I have to stay awake 4:00 in the morning, flinching in bed, because cannons is coming over top of my house. Would you like it in your neighborhood?

Councilman O'Daniel: *(Off Mic)* I like to sleep too.

Michael Weir: There you go. Thank you.

President Friend: Thanks *(Inaudible)*. One thing I'm going to have to say, Missy we attended that south...was it the south sector?

Councilwoman Mosby: East sector.

President Friend: East sector, yeah.

Councilwoman Mosby: Citizens meeting.

President Friend: That's one thing that was brought to our attention that they...there was many, many reports to the police department about shooting too late in the evening but we

don't...it seemed to me, what I got out of it, if you recall they just don't have, seem to have the manpower with the amount of violations going on.

Councilwoman Mosby: It's too hard to regulate because by the time someone shoots it off, and maybe you have that address, and by the time the police department can get there, and you know, there's also other serious runs that they've got to go to the...to those first before they can hit the others so it's just really hard to regulate and it's almost impossible to...someone just calls and says, "Hey, someone shot off a firework". "Okay, do you have the address?" "Well no." So it's just very, very hard to regulate.

President Friend: If I recall, many years ago Indiana actually wouldn't let you sell 'em in Indiana and usually, I remember when I was younger, I would go over to Missouri, buy 'em over there and pack 'em in. That way my young days, very young days. Now you got to remember, we're talking about way back, many years ago. But when Indiana legalized buying 'em in Indiana, then you know it's kind of...they're going to shoot 'em off here. You see what I mean? When you purchase 'em here. That's a problem. Yeah.

Do we have anybody else in the audience have something to say about this?

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Friend: Oh, we get to you in a minute.

Come on...yes, please. Come on up.

Maureen Mattingly: My name is Maureen Mattingly and I live over by Stockwell School and I want to speak more to about the enforcement of it. You say, you know, they get a call at an address. Well, you know, they can't just send everybody to that address to get one person but practically all the school property in town is...Stockwell School goes crazy with it for a month. You could just bring a paddy wagon, round up a whole bunch of people, grab their bikes, and take 'em to a temporary holding and hold them ransom til their parents come get 'em. Something has got to be done in my neighborhood too because I stay in town worrying about my house and fence and deck burning down.

And something that Missy said was these kids said that they bought these fireworks yesterday at half price. Well why are they for sale when you can't shoot 'em off? There seems to be a little conspiracy of hands off this and...and he says he's never written a ticket on it? There should be tickets written on this. People need making examples of and maybe then the parents will stop this but you can go to any school property any night in the month of June and July and round up a whole bunch of kids and that's what I had.

President Friend: *(Inaudible)* Yes.

Pat Borst: My name is Pat Borst. I live over in the 7100 block of Bayard Park Drive and I sympathize with her because the fireworks start typically two weeks beforehand in my neighborhood and go two weeks afterwards. It used to be worse. Plaza Park School used to be inundated with them. I've been known to walk over there and chase 'em off. They think I'm a party pooper in the neighborhood but I don't really care you know, because there's been fires over there through the years and it's just disgusting cause they don't clean up after themselves.

I would welcome just the few days that they're allowed to do it but in my neighborhood that isn't the case and I am amazed that, all due respect, that there aren't more tickets written and I live in a neighborhood where there's several police officers and I'm just surprised that, you know, I mean I do go out and patrol. I assure you that if I see somebody that's shooting 'em off illegally I'll let 'em know. I mean it's kind of like, "This is illegal. People are trying to sleep and..." you know, but it is an issue in this city. It's a real bad one, you know, so...so I appreciate whatever you all can do cause I'm sure it's an issue for everybody in all the neighborhoods and I do appreciate that it's being addressed. Thank you.

President Friend: Is there anybody else in the audience has a comment about this one way or the other? Anybody else from the...yes, Dr. Adams.

Councilman Adams: It occurred to me if we look at how we celebrate our holidays, you know, we drink green beer for a day, we exchange hearts and roses for one day, we honor our father and mothers for a day, you know we go trick or treating for a day, we exchange presidents... we...presents for a day, we eat turkey for two or three days and so forth like that. What is going on if we have to celebrate the birth of our nation for nine days? I don't get it. There's a *(Inaudible)* of saying that says, you know, all things in moderation. I love fireworks, I'll be honest with you, but nine days is...the pendulum has swung too far in my opinion.

Councilman O'Daniel: Well if the state taxed their green beer another 5% and...probably get nine days of green beer.

Councilman Adams: You know I'll bet you the 5% that the state makes in fireworks doesn't pale with the amount of money that has to be spent in the medical injuries for this thing.

Councilman O'Daniel: I don't doubt it.

Councilman Adams: Yeah. A little kid's hand is probably a half a million bucks to reconstruct.

President Friend: Do you have any other comments...members? Okay, well.

Councilwoman Robinson: Motion to adopt and call the roll.

Councilman McGinn: Second.

President Friend: Okay I had a motion by Councilwoman Robinson and seconded by Councilman McGinn. Please call the roll as relates to Resolution C-2014-20.

Comment made by Councilman O'Daniel prior to casting his vote:

Councilman O'Daniel: Just...clarify, I vote aye but it's so because I do want the Home Rule on it. I think we ought to have...and that's really the tenor of it. The rest of it we can discuss, you know, as far as the particulars of it but the general notion of Home Rule, which is part of that...which is the main focus of resolution I agree with.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: Eight (8) ayes, no (0) nays, Resolution C-2014-20 is hereby declared adopted.

Councilman Adams: Mr. President?

President Friend: Yes?

Councilman Adams: With this unanimous decision, I would like permission to take this and I thought perhaps if the City Clerk could help me a little bit, we could take the top 20...10, 20, 30 cities and towns in the state and send a cover letter with our things to these pe...to the City Councils of these bodies and perhaps generate a...sort of a grass roots support because it is tough to change a state law, it really is. I'd love Home Rule but I'm not sure we are going to get it.

President Friend: Well we could maybe direct our Madam Clerk here to...

Councilman Adams: I'll work on it with her.

President Friend: You mean you've talked with her about that?

Okay we...

MISCELLANEOUS BUSINESS

There will not be a meeting on the 14th, I mean on the 4th of August. That'd be next Monday. The next meeting will be on the 11th and it's going to start in this room and it will...and our Committee Meetings will begin at 5:10.

There's...matter of fact I have Berniece wishes to come before us to speak.

Berniece Tirmenstein: Berniece Tirmenstein, 1636 E. Blackford Avenue. I have a question. Does the City of Evansville accept federal block grants through the U.S. Department of Housing and Urban Development, or HUD? My concern is this: In July 2013, the Obama regime quietly introduced a new regulation that critics say will dramatically increase Washington's power over local zoning laws in every city and town that accepts these federal block grants through HUD. Federal grants could be used as a means of getting cities and towns in on this, forcing cities and towns to house illegal aliens against their will.

How deep is the City connected with these fed...in the feds pocket? The strings attached to the federal funds have illegals tied to the other end. Dangle the dollars and you get takers.

Any comments?

President Friend: Well...believe on...Connie, you probably *(Inaudible)*.

Councilwoman Robinson: *(Inaudible)* Interim Director of DMD's here and I think you can discuss it. Would you Kelley, come up please?

President Friend: Kelley, can you...

Councilwoman Robinson: We do get block grant monies but I don't...

Interim DMD Director Coures: We collect about two and a half million dollars-worth of CDBG and about a half a million dollars-worth of HOME but all the federal regulations, there isn't anything that would require us to house illegal aliens. There's nothing in those federal *(Inaudible)* to require us to house illegal aliens.

Councilman Adams: Of any age.

Interim DMD Director Coures: Huh?

Councilman Adams: Of any age.

Interim DMD Director Coures: No.

Councilwoman Robinson: Does that answer your question, Berniece?

Berniece Tirmenstein: Not really. You know, we have two hundred illegal aliens here in the State of Indiana already.

President Friend: How many?

Berniece Tirmenstein: Two hundred.

Councilman Adams: Must be more than that.

President Friend: Ah there's more than, trust me.

Berniece Tirmenstein: Well I know locally; let's put it that way...

Speaking Simultaneously

Councilman Adams: That's the tip of the ice burg.

Berniece Tirmenstein: in the Washington, Indiana area. Now Chicago has a 1000 I heard today.

Councilman O'Daniel: Are you talking about the...of the recent migration?

Berniece Tirmenstein: Yes.

Councilman O'Daniel: Okay, because there's a whole lot more illegal aliens in Indiana than...

Berniece Tirmenstein: Oh, I'm sure.

Councilman O'Daniel: 200 or 1000. There's probably, I don't know...

Berniece Tirmenstein: I didn't make that clear.

Councilman Adams: Maybe you're talking about illegal children.

Berniece Tirmenstein: Yes.

Councilman Adams: Illegal alien children perhaps?

Berniece Tirmenstein: Well, just illegal aliens.

Councilman O'Daniel: How many of those joined their families?

Berniece Tirmenstein: I don't care to elaborate any more on it but if you want any more information go to www.gov but I think this is something of concern. Thank you.

President Friend: Thank you Berniece, appreciate it.

Okay, before we proceed is there any other business like to come before...

Councilwoman Robinson: We have another paper (*Inaudible*). There's another slip right...

President Friend: No, I got both of 'em.

Councilwoman Robinson: Oh you did.

President Friend: Yeah, I got 'em.

Councilman O'Daniel: Councilman Friend?

President Friend: Yes.

Councilman O'Daniel: You had asked me to look into a couple a matters potentially for today but in the short notice they...the particular individuals could not get their information prepared for today and so, with permission, VenuWorks I believe will...Scott Schoenike will be presenting something on the 11th about VenuWorks and their sort of numbers and just how they're doing on the 11th. And then also Allen Mounts and individuals from Johnson Controls will be giving an update on their project and how it's going.

President Friend: Yeah, thanks for reporting that. I appreciate that, yes.

Any others? We'll move on. Okay, Committee Reports. A.S.D. Committee, Chairman Dr. Adams.

Councilman Adams: Mr. President, **Ordinance G-2014-14**...the review of the lead poisoning, and again, I apologize. I thank my colleague, Councilwoman Mosby, for handling it while I was ensconced in the far regions of Maine. But when I got back it really appeared as though there wasn't enough time for all the stakeholders and everybody to show up, plus the personnel for the Health Department, which one of the key or two people had to go on vacation, so after talking with Dr. Ken Spear, who runs the department, we just decided to take a timeout, deep breath, pull the ordinance and I've been encouraging them to have a formal seminar sometime in September where everybody can sit down and talk about all the things that they're worried about, whether they're real, unreal, and so forth and so on, then hopefully we can get some...some traction on that. Maybe we can't, we'll see where we go. Please.

Councilman O'Daniel: Are you going to pull it at this point...

Councilman Adams: Yeah.

Councilman O'Daniel:...or are we just going to...

Councilman Adams: Pull it.

Councilman O'Daniel:...hold it in Committee until...

Councilman Adams: No, we're taking it right out of there.

Councilman O'Daniel: Okay.

Councilman Adams: Going to start all over again. That's not my decision. That was Dr. Ken Spear's and his board's decision.

Okay, and on the 25th, not on the 11th, on the 25th, we'll hear **Ordinance G-2014-16**.

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: **Ordinance G-2014-16 Amended**

Date: August 25, 2014

Time: 5:25 pm

Notify: Scott Danks

CHAIRMAN: H. DAN ADAMS

Amending Ch. 18.135.020 (Off Street Parking & Loading) of the Evansville Municipal Code

President Friend: Thank you Dr. Adams, appreciate that.

FINANCE COMMITTEE:

Re: **Ordinance F-2014-9**

Date: August 11, 2014

Time: 5:15 pm

Notify: Kelley Coures

CHAIRMAN: CONOR O'DANIEL

Authorizing Re-appropriations and Additional Appropriations of Funds within a City Dept. (DMD)

President Friend: Oh by the way too, this is kind of off the agenda, we've got the Budget Hearings just around the corner I believe and it's coming up...was that the 8th?

Councilman O'Daniel: Begins the 18th. The week of the 18th. It's a Wednesday.

Speaking Simultaneously

President Friend: The 18th so what it...when's the Joint...when's the...do you have any idea?

Councilman Adams: When's the Joint?

Councilman O'Daniel: It's a Wednesday.

President Friend: The Joint a...

Councilman O'Daniel: It's the Wednesday the 20th I believe. *(Inaudible)*
Speaking Simultaneously

President Friend: I mean County...City/County...

Councilman O'Daniel: Yes.

President Friend:...is going to be the 20th.

Councilman O'Daniel: Believe it's the 20th.

President Friend: Okay.

Councilman O'Daniel: I'll double-check that but I believe that's right.

President Friend: I think that. I'm just trying to make sure we get everybody a *(Inaudible)* so maybe Russ...

Councilman O'Daniel: I think Russ sent that all out.

President Friend: Thanks Conor, appreciate it.

PUBLIC WORKS COMMITTEE:

Re: **Ordinance G-2014-18**
Time: 5:20 p.m.
Notify: Bret Sermersheim,
Morley & Associates, Inc.

CHAIRMAN: AI LINDSEY

Vacating a Portion of Existing 30 ft. Easement
with the City of Evansville, More Commonly
Known as 5500 Old Boonville Highway

Re: **Ordinance G-2014-19**
Time: 5:35 p.m.
Notify: Maria Bulkley,
Kahn, Dees, Donovan & Kahn

Vacating an Alleyway in the 300 Block of
Fulton Avenue between Michigan Street &
Franklin Street; West Michigan Street between
Fifth & Sixth Avenues Adjacent to 1301 W.
Virginia Street

ADJOURNMENT

President Friend: Thank you Chairman Lindsey, appreciate it.

Now I need a motion for adjournment.

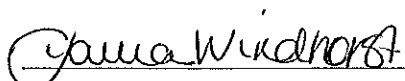
Councilwoman Mosby: So moved.

President Friend: Have a motion made by Councilwoman Mosby and seconded by...

Unidentified Speaker: *(Off Mic)* Dan.

President Friend: Dan McGinn. Thank you so much.

Meeting adjourned at 6:11 p.m.

A handwritten signature in cursive script, reading "Laura Windhorst", positioned above a horizontal line.

Laura Windhorst, City Clerk

A handwritten signature in cursive script, reading "John Friend", positioned above a horizontal line.

John Friend, President